



Montoya, Darlene <dmontoya@nmag.gov>

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## Lordsburg Police Department- P&P (Use of Force)

4 messages

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**edgar.gomez@cityoflordsburg.org** <edgar.gomez@cityoflordsburg.org>  
To: dmontoya@nmag.gov

Fri, Jan 27, 2017 at 9:40 AM

Good morning, I apologize for the delay in getting back to you as per your request on Policies and Procedures. I have attached a copy of our current policy on Use of Force procedures to this email. If you should have any additional questions or concerns please contact me at your earliest convenience. Just an FYI- our current Chief of Police is now Arthur J. De La Garza. Thank you and have a great weekend.

### Edgar Gomez, Grant Administrator Lordsburg Police Department

404 West Wabash Street  
Lordsburg, New Mexico 88045  
Office: [575.542.3505](tel:575.542.3505)  
Fax: [575.542.3504](tel:575.542.3504)  
Cell: [575.654.0533](tel:575.654.0533)



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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: edgar.gomez@cityoflordsburg.org

Fri, Jan 27, 2017 at 9:49 AM

Mr. Gomez thank you for sending the SOP and letting me know who your new Sheriff is. I will update the information on our list for any future correspondence that may come out of our office. A couple of other things the LEAB Subcommittee is inquiring about is how often this policy is reviewed and revised. Also, how often do your officers receive training on this policy. If you could let me know, I will attach your email to the SOP.

Thank you.

[Quoted text hidden]

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[\(505\) 490-4854](tel:505.490.4854)

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**edgar.gomez@cityoflordsburg.org** <edgar.gomez@cityoflordsburg.org>  
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Fri, Jan 27, 2017 at 10:20 AM

No problem, Arthur J. De La Garza was recently appointed Chief of the Lordsburg Police Department last year. We are currently in process of updating all Policies & Procedures for the Department. Our goal is to continuously update and revise any policies & procedures as needed through the year and provide monthly training to all LPD personnel.

**Edgar Gomez, Grant Administrator  
Lordsburg Police Department**

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Lordsburg, New Mexico 88045  
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Fax: 575.542.3504  
Cell: 575.654.0533



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[Quoted text hidden]

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: edgar.gomez@cityoflordsburg.org

Fri, Jan 27, 2017 at 10:49 AM

Thank you so much. Have a wonderful rest of the day.  
[Quoted text hidden]

- H. The Inventory Form must be filled out completely with all requested information. If a 'Property of City of Lordsburg' sticker is attached, the number is to be written on the Item # line. There should be an inventory number located on the item for inventory purposes. If the inventory number cannot be located, contact the Inventory Clerk of the Finance Department who will assist in a physical search of the inventory hard copy list. There must be an item number on the Inventory Form before it can be approved.
- I. Nothing shall be moved to the warehouse without completing the appropriate paperwork and following the listed procedures.
  - 1) The Inventory Form is filled out with all obtainable information about the item, including the City inventory number. Contact the Inventory Clerk if you are unable to locate this number. Refer to subsection H above.
  - 2) The completed Inventory Form must be submitted through the chain of command for approval. From there it will be forwarded to the Inventory Clerk.
  - 3) The form will be forwarded back to the employee who is responsible for contacting Building and Grounds personnel to make arrangements to move the item. It is the responsibility of the employee requesting the move, to physically move the item to the designated location. The Building and Grounds personnel must sign the Inventory Form Sheet, they will keep a copy and the original must be returned to the Inventory Clerk.
- J. No City property on inventory can be given away or thrown away, even if broken and unusable, without the proper authorization.

**Administration / Use of Force**  
**Policy 1.I.1. Use of Force Procedures**  
**ADM .05.01-.05.02**

***I. STATEMENT OF PURPOSE***

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the

circumstances. Although the law authorizes the use of force, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties.

## **II. DEFINITIONS**


- A. **Deadly Force** - Force that is intended or known by the person using the force to cause, or in the manner of its use or its intended use, is capable of causing death or serious bodily injury.
- B. **Reasonable Belief** - A belief that would be held by a reasonable and prudent law enforcement officer in the same circumstances as the acting person.
- C. **Reasonable Force** - Use of the reasonable amount of force needed to achieve control over an incident or person.
- D. **Serious Bodily Injury** - Injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of a bodily member or organ.

## **III. GENERAL POLICY**

- A. Reasonable force may be used by an officer in the performance of duties, when:
  - 1. Necessary to preserve the peace, to prevent the commission of an offense or to prevent suicide or self-inflicted injury.
  - 2. Making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
  - 3. In self-defense or defense of another against unlawful violence to a person or property.
  - 4. Preventing or interrupting an intrusion on or interference with the lawful possession of property.
- B. An officer may use reasonable force to overcome resistance to the lawful performance of duties, even though there is no immediate or apparent danger calling for self-defense. However, the officer must be acting within the scope of official authority. Every reasonable opportunity must be given to the person being

arrested to comply. Force should be used only after all other means have failed to produce compliance.

- C. Before the application of reasonable force, officers should identify themselves as police officers and state their purpose to the offender and others present. This identification is not necessary if the officer reasonably believes his purpose and identity are already known or conditions exist which render it unfeasible to identify.
- D. There is no specific rule fitting all cases as to how much force and means may be used, each case must be decided in the light of its own facts and circumstances. Under no circumstances will the force used be greater than necessary and in no instance will deadly force be used except as stated in the Deadly Force section of this chapter.
- E. Officers will use only the force necessary to accomplish lawful objectives. Officers must exhaust every reasonable means of employing the least amount of force appropriate to the situation.
- F. The Reactive Control Model (RCM) is taught in the New Mexico Law Enforcement Academy and expected to be used by officers of this Department to determine the appropriate course of action when interacting with a person(s) in a situation, which may require the use of force. (See RCM )

REACTIVE CONTROL MODEL (RCM)				
<b>SUBJECT BEHAVIOR:</b> <b>SUBJECT'S "BEHAVIORAL" CUES:</b>  <b>CRIMINAL ACTIVITY CUES:</b> <b>OFFICER MENTAL CONDITION:</b> <b>OFFICER'S ACTIONS:</b>  <b>P R E S E N C E</b>	COOPERATIVE	NON-COOPERATIVE	UNARMED ASSAULT	ARMED ASSAULT
	Subject is Obedient and Compliant • Obedient • Compliant • Following Directions	Resists Non-Forcefully by • Not Responding to Commands • Evasive to Commands • Verbal Resistance or Hostile Posture • Holding Offense or Running Away	Resists Forcefully by • Unarmed Threatening • Unarmed Attack	Resists Forcefully by • Armed Threatening • Armed Attack
	Unknown	Threat	Type of Criminal Activity Investigating	High Risk Activity
	<b>ALERT</b>	<b>CONTROL</b>	<b>ACTIVE</b>	<b>SURVIVAL</b>
	Verbal Demands • Authority • Assertion • Control/Direction • Force/Control	Verbal (Persuasion) • Empty Hand Techniques • Control/Direction • Control/Direction • Control/Direction • Control/Direction • Control/Direction	Verbal Demands • Empty Hand Techniques • Control/Direction • Control/Direction • Control/Direction • Control/Direction	Verbal Demands • Empty Hand Techniques • Control/Direction • Control/Direction • Control/Direction • Control/Direction

#### IV. USE OF FORCE

##### A. Defensive Tactics

In order to provide members of this department with information, the Defensive Tactics Coordinator will schedule periodic training sessions, which enable officers to learn and exercise acceptable methods of defensive tactics. Officers may use defensive tactics that they have been trained in and are qualified to use.

*B. Police ASP Baton*

1. The Department issued ASP baton may be used if a suspect has escalated to using threatening statements and/or gestures and begins to close the distance on the officer or another person in a threatening manner as if to batter them.
2. The ASP baton is not designed to be used as a club or bludgeon. Strikes should target areas of the body, which may result in compliance by the suspect or allow the officer to gain control.
3. Strikes to parts of the body (head, neck, spine, groin, or clavicle) capable of inflicting death or serious bodily injury shall be avoided unless justified by the guidelines of the Deadly Force section of this chapter.

*C. OC Spray*

OC Spray (pepper spray) plays a distinct and viable role in the continuum of force options and gives the individual officer an alternative to hard empty hand techniques and the use of an impact weapon, ASP.

1. Use of OC Spray or Pepper Spray
  - a. The OC spray may be used on a suspect who is non-cooperative and is resisting the efforts to control him by but not necessarily limited to the following actions:
    1. Suspect not responsive to directions.
    2. Verbal resistance or body posture
    3. Pulling/moving running away
    4. Aggressive movements and an escalation of resistive force.
  - b. The OC spray may be used if a suspect has escalated to using threatening statements and begins to close distance on the officer or another person in a manner as if to batter them.
  - c. The use of OC spray is target specific and should result in the officer's ability to gain control of the suspect.
  - d. The target area will consist of the face, specifically the eyes.
2. Decontamination

- a. Decontamination begins after the suspect has been restrained with handcuffs or by other means and the suspect's resistance has ceased.
  - b. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
  - c. Expose suspect to fresh air and flush affected area with water.
  - d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses if necessary and to continue flushing the suspect with water.
  - e. Once the suspect has been transported to the detention facility, the on duty detention facility personnel shall be notified that the suspect has been sprayed with OC.
  - f. Under no circumstances will any creams, salves, or oils be applied to the affected area.
3. Reporting
- a. As with any use of force or application of force, a written report will be submitted detailing the use of the OC/Pepper spray, decontamination procedures and the events leading to the use of the OC/Pepper spray.
  - b. Anytime the OC/Pepper spray is used, the approving supervisor will be responsible for ensuring that a copy of the report is forwarded up the chain of command.

## ***V. DEADLY FORCE***

- A. Authorized Use of Deadly Force
- 1. Deadly force may be used only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury.
  - 2. Criteria for Use of Deadly Force
    - a. Ability (Weapon)
    - b. Opportunity (Distance)